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April 14, 2017

VIA ECF

Honorable William F. Kuntz
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Kenneth Eastmond, et ano. v. City of New York, et al.,
15-cv-223 (WFK)(PK)

Your Honor:

I am a senior counsel in the New York City Law Department, attorney for the defendant the City of New York in this action. I am writing to respectfully request that the Court extend the City's time to serve a reply regarding defendant's motion for summary judgment, *nunc pro tunc*, from April 7, 2017 until April 17, 2017. Plaintiffs' counsel, Gabriel Harvis, consents to this request.

As Your Honor may recall, at a conference on January 19, 2017, the Court granted defendants permission to move for summary judgment at set a briefing schedule, including that defendant's reply would be due back on April 7, 2017. However, I mistakenly calendered that date as April 17, 2017. Defendant served plaintiffs with its moving papers on February 3, 2017, and plaintiffs served defendants with their opposition on March 10, 2017 as scheduled. While working on defendant's reply yesterday, I looked at the docket and realized that the reply should have already been served and the motion filed with the Court. I am therefore writing to request a brief extension of time to serve plaintiffs' counsel with these papers and file them with the Court. No previous requests for an extension of the briefing schedule have been made. I thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/
Elissa B. Jacobs

cc: Gabriel Harvis, Esq. **VIA ECF**
Attorney for Plaintiffs